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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/484,051    01/18/00    PARK

C    SEC.0689

EXAMINER

QM02/1005

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ATKINSON, C

ART UNIT

PAPER NUMBER

3743  
DATE MAILED:

10/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/484,051

Applicant(s)

Park

Examiner

Atkinson

Group Art Unit

3743

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 7/30/01.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- ☐ Of the above claim(s) 2, 4, 9-15 and 18-22 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3, 5-8, 16-17 and 23 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6, 3+4
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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***Response to Election***

Applicant's election with traverse of species as illustrated in Figure 14 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that Fig.10 is not mutually exclusive of Fig. 12 and Fig. 14 is not mutually exclusive of Fig. 17. This is not found persuasive because the devices in the above figures are different. Since applicant has not argued/stated the species are obvious variants of one another, the species are still considered to be patentably distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claims 2, 4, 9-15 and 18-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinya et al.

Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant cited Japanese reference 6-349722.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 3, 5, <sup>(16-17)</sup>~~8~~ and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Japanese reference ('722) in view of Akachi.

The Japanese reference ('722) discloses all the claimed features with the exception of the heat pipe having capillary channels.

The patent of Akachi discloses that it is known to have a heat pipe comprised of a closed loop capillary channel for the purpose of improved heat transfer performance without increasing thickness; reducing size and weight; reducing contact heat resistance and reducing manufacturing costs. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the Japanese reference ('722) a heat pipe comprised of a closed loop capillary channel for the purpose of improved heat transfer performance without increasing thickness; reducing size and weight; reducing contact heat resistance and reducing manufacturing costs as disclosed in Akachi.

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Japanese reference ('722) in view of Akachi.

Claims 1, 6-8 and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Tsutahara et al. in view of Ahern et al.

The patent of Tsutahara et al. discloses all the claimed features with the exception of the uniform heating device being a heat pipe.

The patent of Ahern et al. discloses that it is known to have a heat pipe comprised of a closed loop capillary channel for the purpose of improved heat transfer performance without increasing thickness; reducing size and weight; reducing contact heat resistance and reducing manufacturing costs. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Tsutahara et al. for the purpose of improved heat transfer performance without increasing thickness; reducing size and weight; reducing contact heat resistance and reducing manufacturing costs as disclosed in Ahern et al.

Claims 3, 5 and ~~16-17~~ are rejected under 35 U.S.C. § 103 as being unpatentable over Tsutahara et al. in view of Ahern et al. as applied to claims 1, 6-8 and 23 above, and further in view of Akachi in view of claims 3, 5, 8 and 23 above.

16-17  
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Atkinson whose telephone number is (703) 308-2603.



C.A.

CHRISTOPHER ATKINSON  
PRIMARY EXAMINER

September 28, 2001